



*State of New Jersey*

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN  
*Governor*

PETER VERNIERO  
*Attorney General*  
MARK S. HERR  
*Director*

April 9, 1997

*Mailing Address:*  
P.O. Box 45020  
Newark NJ 07101  
(201) 504-6500

VIA REGULAR AND CERTIFIED  
MAIL RETURN RECEIPT REQUESTED

Jeffrey C. Izzo, DVM  
Shrewsbury Animal Hospital  
1008 Shrewsbury Avenue  
Tinton Falls, New Jersey 07724

Re: Case Number 96-94  
John D. and Mary Ann Maggs

Dear Dr. Izzo:

The Board found that there was no violation of the Veterinary Medical Practice Act in connection with the allegation that there was a failure to operate on "Fugi" in a timely manner or that such failure compromised his chances of survival. However, the Board did determine that there has been a violation of N.J.A.C. 13:44-4.10, which provides as follows:

**"Any veterinary facility denominated as an emergency service facility and advertising that it provides emergency service shall have at least one licensed veterinarian and one supporting staff member on the premises during the hours the facility is open for service."**

The current Yellow Page advertisement for Shrewsbury Animal Hospital indicates that "24 hour emergency service" and "night nursing care" is provided. According to Mr. Maggs, however, the only individual on the premises at Shrewsbury Animal Hospital when he arrived at approximately 5:30 a.m. on October 29, 1996 was Ann Devlin, the veterinary technician. Furthermore, the following statements corroborate that no licensed veterinarian was on the premises between--at a minimum--5:30 a.m. and 5:50 a.m. on that date.

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(1) According to Ann Devlin, when Mr. Maggs called the facility at approximately 5:30 a.m., she told him that "the doctor working the emergency service was en-route and would not be here when he arrived, but would be shortly thereafter." (see statement of Ann Devlin dated November 20, 1996.)

(2) Both Dr. Panarello and Dr. Izzo report that they arrived at 5:50 a.m. (see their statements dated November 21, 1996 and November 18, 1996, respectively.)

(3) Dr. Weinstein reported that she arrived between 6:30 a.m. and 6:45 a.m. (see Dr. Weinstein's November 20, 1996 statement.)

Accordingly, the Board has assessed a \$750.00 penalty for failure to have a licensed veterinarian on the premises upon complainant's arrival at 5:30 a.m. on October 29, 1997.

You are hereby afforded the opportunity to dispose of this matter without a hearing and without recourse to litigation by executing the attached form and returning it to the Board within ten (10) days together with your remittance made payable to the Board of Veterinary Medical Examiners in the amount of \$750.00.

If you wish a formal hearing in this matter, you may request same within ten (10) days of the date of this letter. At the time of hearing, you may appear with counsel of your choice and with witness and documentary evidence. At the time, the Board will not be bound to the terms stated in this letter and may, impose any of the sanctions contained in N.J.S.A. 45:1-22, which include revocation or suspension of licensure and assessment of penalties up to \$2,500.00 per violation. Additionally, the Board may, if the facts warrant, enter an order requiring the restoration of any monies acquired by unlawful acts and the payment of all costs in this matter.

If you do not reply to this letter within the required ten (10) day period, then the Board will make its determination on the evidence in the record and will take such action as may be allowed by law, which may include additional penalties pursuant to N.J.S.A. 45:1-21 based on your failure to respond to official Board correspondence.

Very truly yours,

  
Audrey Weiner  
Assistant Director

AW:jf  
Enclosures  
c Brenda Lewis, DAG

## CERTIFICATION

*I have received the Board's letter dated April 9, 1997 regarding alleged violations of the Board's enabling act and/or Board regulations.*

### PLEASE CHECK ONE:

- ☐ The allegations set forth therein are acknowledged, and I enclose herewith a check of \$750.00 payable to the State of New Jersey.
- ☒ I hereby waive any right which I may have to a hearing in this matter and submit a written statement for the Board's final consideration in this matter.
- ☐ A hearing on this matter before the Board is hereby requested.

Dated: May 15 1997

Jeffrey Izzo  
(Signature)

JEFFREY IZZO  
(Print Name)